MEMORANDUM

Agenda Item No.

8(F)(2)

TO:

Honorable Chairman Jean Monestime

and Members, Board of County Commissioners

DATE:

November 3, 2015

FROM:

Abigail Price-Williams

County Attorney

SUBJECT:

Resolution authorizing

the conveyance of a permanent easement to the State of Florida Department of Transportation over a portion of County-owned real property located at 15655 Biscayne Boulevard, North Miami, Florida, for a nominal sum of \$1.00 in accordance with Florida Statutes Section 125.38; authorizing the County Mayor to execute the permanent easement and exercise any and all other

rights therein

This item was amended from the original version as stated in the County Mayor's memorandum.

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

RAC/cp



'Date:

November 3, 2015

To:

Honorable Chairman, Jean Monestinie

and Members, Board of County Commissioners

From:

Carlos A. Gimenez

Mayor

Subject:

Resolution Authorizing Conveyance of a Permanent Easement to the Florida Department of

Transportation on a Portion of County-Owned Real Property for Construction and

Maintenance of a Loop Detector Traffic Feature

A portion of Folio No. 06-2216-000-0020

This item was amended at the October 14, 2015 Transit & Mobility Services Committee. The item differs from the original in that the permanent easement on pages 10-14 of Attachment 1 were replaced with a permanent easement that provides additional protections for Miami-Dade County.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution, which authorizes the conveyance of a 2,619 square foot permanent easement (Parcel 800) for a nominal consideration of \$1.00 per the formal request received from the Florida Department of Transportation (Attachment 1 to this transmittal memorandum) pursuant to Florida Statutes 125.38.

Scope :

The property is located at 15655 Biscayne Boulevard, North Miami, Florida, in Commission District 4, which is represented by Commissioner Sally A. Heyman.

Fiscal Impact/Funding Source

There is no fiscal impact associated with the conveyance of the easement.

Track Record/Monitor

Shannon Clark of the Real Estate Development Division in the Internal Services Department is managing the conveyance of this permanent easement.

Delegation of Authority

This resolution authorizes the County Mayor or the County Mayor's designee to convey and execute a permanent easement on Parcel 800.

Background

The Florida Department of Transportation has planned improvements on Biscayne Boulevard (State Road 5) from NE 151 Street to NE 196 Street in order to improve vehicular and pedestrian movement in the area. Construction is expected to begin in September 2016 and last approximately one (1) year.

The permanent easement is needed for the construction and maintenance of a Loop Detector traffic feature at the intersection of Biscayne Boulevard and NE 156 Street. A Loop Detector is a mechanism that triggers traffic signals to change based on the weight of cars waiting at a red light. The permanent easement is on a portion of a County-owned property that includes Miami-Dade Fire Rescue Station #22. The Miami-Dade Fire Rescue Department has reviewed the request and has no objection to the permanent easement.

Given the importance of this project, it is in the best interest of the County to convey the permanent easement so that the Florida Department of Transportation is able to finalize this project. Additional property details are shown in Attachment 2 to this transmittal memorandum.

Attachments.

Russell Benford Deputy Mayor

2



Florida Department of Transportation

RICK SCOTT GOVERNOR

605 Suwannee Street Tallahassee, FL 32399-0450

JIM BOXOLD SECRETARY

January 29, 2015

Miami-Dade County Fire Rescue Department C/O: Fire Chief Dave Downey 9300 NW 41 Street Doral, FL 33176

Item/Segment No.:

4308081

Managing District:

Six.

F.A.P. No.:

N/A

State Road No.:

5 (Biscayne Boulevard)

County:

Miaml-Dade

Parcel No.:

800

Folio No.:

N/A

Reference:

Donation Request/ Perpetual Easement

Dear Fire Chief Downey:

The Florida Department of Transportation is planning improvements and is developing the expansion roadway project along SR 5/ Biscayne Boulevard from NE 151st Street to NE 196th Street. I have attached a fact sheet with specific project details.

The Department has identified the above referenced Parcel 800 to be owned by Miami-Dade County Fire Rescue Department as discovered by our Right of Way Engineering Department. The Department of Transportation requires a permanent easement containing 2,619 square feet, more or less to construct and maintain a "Loop Detector".

Pursuant to Section 337.25, Florida Statutes, the Florida Department of Transportation (Department) may accept donations of any land. Please accept this request for the donation of the above referenced Perpetual Easement to the Florida Department of Transportation.

January 29, 2015 Page Two

Attached you will find the following documents for your review and to begin the process for approval:

- 1. Perpetual Easement 800, Resolution, and Parcel Sketch showing location and size of Easement;
- 2. Project Plan Sheet
- 3. Right of Way Acquisition Brochure http://www.dot.state.fl.us/rightofway/documents/AcquisitionHandbookEnglish.pdf
- 4. Donation Form (575-030-12);
- 5. 90-Day Letter of Assurance (575-040-09);
- 6. Project Fact Sheet

I look forward to working together for the fulfillment of our Public Service mission, If you have a question or need additional information, please contact me at: (305) 470-5157 or via E-mail at steve.imas@dot.state.fl.us

Sincerely

Steven C. Imas

Right of Way Agent

Enclosures

Cc: File

OFFICE OF THE PROPERTY APPRAISER

Summary Report, Location of Easement

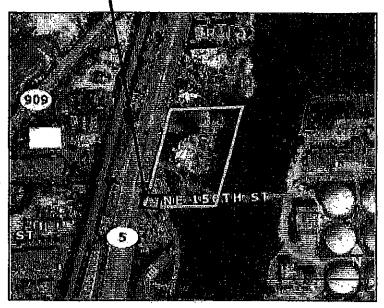
Generated On: 2/18/2015

Property Information	
Folio:	06-2216-000-0020
Property Address:	15655 BISCAYNEBLVD
Owner	MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT
Malling Address	9300 NW 41 ST MIAMI, FL33178-2312
Primary Zone	9300 PLANNED UNIT DEVELOPMENT
Primary Land Use	8647 COUNTY : DADE COUNTY
Beds / Baths / Half	0/0/0
Floors	2
Living Units	O .
Actual Area	Sq.Ft
Living Area	Sq.Ft
Adjusted Area	24,832 Sq.Ft
Lot Size	172,824 Sq.Ft
Year Built	1976

Assessment Information								
Year	2014	2013	2012					
Land Value	\$3,110,832	\$3,110,832	\$3,110,832					
Building Value	\$2,541,761	\$2,541,761	\$2,541,761					
XF Value	\$0	\$0	\$0					
Market Value	\$5,662,593	\$5,652,593	\$5,652,593					
Assessed Value	\$5,652,593	\$5,652,593	\$5,652,593					

Benefits Information									
Benefit	Туре	2014	2013	2012					
County	Exemption	\$5,652,593	\$5,652,593	\$5,652,593					
Note: Not all benefits are applicable to all Taxable Values (i.e. County, School Board, City, Regional).									

Short Legal Description	
16 52 42 3.97 AC M/L	
BEG 1506,52FT NELY OF X'OF	AVA-UNI
E/R/W/L US 1 & S/L OF SEC 16	
CONT NELY ALG RAWIL FOR 538,08FT	
ELY415FT SWLY539,97FT W415,14FT	



Taxable Value Information							
	2014	2013	2012				
Соинту	ATT CONTINUE TO ATT CONTINUE T						
Exemption Value	\$5,652,593	\$5,652,593	\$5,652,593				
Taxable Value	. \$0	\$0.	\$0				
School Board							
Exemption Value	\$5,652,593	\$5,652,593	\$5,652,593				
Taxable Value	\$0	\$0	\$0				
City							
Exemption Value	\$5,652,593	\$5,652,593	\$5,652,593				
Taxable Value	\$0	\$0	\$0				
Regional							
Exemption Value	\$5,652,593	\$5,652,593	\$5,652,593				
Taxable Value	\$0	\$0	\$0				

Sales Information								
Previous Sale	Price	OR Book-Page	Qualification Description					

The Office of the Property Appraiser is continually editing and updating the tax roll. This website may not reflect the most current information on record. The Property Appraiser and Miami-Dade County assumes no liability, see full disclaimer and User Agreement at http://www.miamidade.gov/info/disclaimer.asp

Version:

TO: Honorable Chairman Jean Monestime DATE: November 3, 2015 and Members, Board of County Commissioners SUBJECT: Agenda Item No. 8(F)(2) FROM: Please note any items checked. "3-Day Rule" for committees applicable if raised 6 weeks required between first reading and public hearing 4 weeks notification to municipal officials required prior to public hearing Decreases revenues or increases expenditures without balancing budget **Budget required** Statement of fiscal impact required Statement of social equity required Ordinance creating a new board requires detailed County Mayor's report for public hearing No committee review

Applicable legislation requires more than a majority vote (i.e., 2/3's _____,

Current information regarding funding source, index code and available

balance, and available capacity (if debt is contemplated) required

3/5's _____, unanimous _____) to approve

· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	Mayor		_	m No.	8(F)(2)
				11-3-15		
			: :		. 4	•
					<u>Mayor</u> Agenda Ite 11-3-15	

RESOLUTION NO.

RESOLUTION AUTHORIZING THE CONVEYANCE OF A PERMANENT EASEMENT TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION OVER A PORTION OF COUNTY-OWNED REAL PROPERTY LOCATED AT 15655 BISCAYNE BOULEVARD, NORTH MIAMI, FLORIDA, FOR A NOMINAL SUM OF \$1.00 IN ACCORDANCE WITH FLORIDA STATUTES SECTION 125.38; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE PERMANENT EASEMENT AND EXERCISE ANY AND ALL OTHER RIGHTS THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, the State of Florida Department of Transportation (FDOT) has planned roadway improvements on Biscayne Boulevard (State Road 5) from NE 151 Street to NE 196 Street, Roadway Project No. 430808-1-52-01 in Miami-Dade County (the "State Project"); and

WHEREAS, the County owns property located at 15655 Biscayne Boulevard in North Miami, Florida (the "Property") a certain portion over which a permanent easement is required by the FDOT in connection with the State Project; and

WHEREAS, the FDOT has requested the County to convey to the FDOT a permanent easement over a portion of the Property more particularly described in Exhibit "A" to the Permanent Easement attached hereto (the "Easement Property"), in order to complete the State Project; and

WHEREAS, the Board finds that pursuant to Section 125.38 of the Florida Statutes, the Easement Property is required and can be used in order to build the State Project, and will be utilized for the benefit of the public and community interest, and welfare,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

<u>Section 1.</u> The foregoing recitals are incorporated herein and are approved.

Section 2. This Board hereby approves the conveyance of a permanent easement on the Easement Property to the FDOT for the nominal sum of \$1.00, subject to the restriction that the Easement Property be used by the FDOT for the transportation related improvements to State Road No. 5 and for the construction and maintenance of a Loop Detector traffic feature, and authorizes the County Mayor or County Mayor's designee to execute the Permanent Easement on behalf of Miami-Dade County and to exercise any and all rights contained therein.

Section 3. Pursuant to Resolution No. R-974-09, the Board, (a) directs the County Mayor or the County Mayor's designee to record said instrument of conveyance executed herein in the Public Records of Miami-Dade County and to provide a recorded copy of said instrument to the Clerk of the Board within 30 days of execution of said instrument; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instrument together with this resolution.

The foregoing resolution was offered by Commissioner who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro Jose "Pepe" Diaz Sally A. Heyman Dennis C. Moss Sen. Javier D. Souto Juan C. Zapata Daniella Levine Cava Audrey M. Edmonson Barbara J. Jordan Rebeca Sosa Xavier L. Suarez

Agenda Item No. 8(F)(2) Page No. 3

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of November, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:		
	Denuty Clerk	

Approved by County Attorney as to form and legal sufficiency.

Debra Herman

Return to:
Real Estate Development Division
Miami-Dade County
Internal Services Department
111 N.W. 1st Street, Suite 2460
Miami, FL 33128

Instrument prepared by:
Miami-Dade County
Internal Services Department
111 N.W. 1st Street Suite 2460
Miami, FL 33128

Folio No. a portion of #06-2216-000-0020

User Department: Miami-Dade County

Fire Rescue

Parcel No. : 800

Item/Segment No.: 4308081

Managing District: 6

PERPETUAL EASEMENT

THIS EASEMENT made the					day of		,	20,	by N	IIAMI-DADI	E COUNTY, a poli	tica]	
subdivision	of	the	State	of	Florida,	Grantor,	to	the	STATE	OF	FLORIDA	DEPARTMENT	OF
TRANSPORTATION, its successors and assigns, Grantee.													

WITNESSETH: That the Grantor for and in consideration of the sum of One Dollar and other valuable considerations paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto the Grantee, its successors and assigns, a perpetual easement for the purpose of constructing and maintaining a Loop Detector mechanism, (collectively, the "Traffic Features") in, over, along, under, upon and through the following described land (the "Easement Area") in Miami-Dade County, Florida:

AS SHOWN ON EXHIBIT "A" ATTACHED HERETO AND TO BE MADE A PART HEREOF

TO HAVE AND TO HOLD the said premises unto the Grantee, subject, however, to the following conditions:

THAT Grantee shall be responsible for the maintenance of the Traffic Features.

To the extent provided by law, Grantee shall indemnify, defend and hold harmless Grantor against any actions, claims, or damages arising out of, relating to, or resulting from negligent or wrongful act(s) of Grantee's, or any of its officers, agents or employees, acting within the scope of their office or employment, in connection with the rights granted to or exercised by Grantee hereunder, to the extent and within the limitations of Section 768.28, Florida Statutes. The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the limits set forth in Florida Statutes, Section 768.28, nor shall the same be construed to constitute agreement by Grantee to indemnify Grantor for the negligent acts or omissions of Grantor, its officers, agents or employees, or for the acts of third parties. Nothing herein shall be construed as consent by Grantee to be sued by third parties in any manner arising out of this agreement.

THAT this easement is solely for the purpose of constructing and maintaining a Loop Detector mechanism and no other uses of the Easement Area are permitted.

THAT in the event said use is permanently discontinued or abandoned as determined in Grantor's sole discretion, then upon written notice by Grantor to Grantee this easement shall terminate, and title to the above described property shall revert to the Grantor, its successors and assigns, and it shall have the right to immediately possess same. In the event Grantee's easement terminates and Grantor deems it necessary to request the removal of the Traffic Features or any of its components occupying the Easement Area, Grantee shall remove the Traffic Features or its components, as requested, and restore the Easement Area to a like or similar condition as existed prior to this Easement, at Grantee's sole cost and expense.

THAT Grantee shall not obstruct the County right-of-way, except as may be required temporarily from time to time to effect construction, inspections, maintenance, repairs, improvements and replacement of the Traffic Features.

Any construction, improvement, or hazards to the public resulting from the project construction that requires major repair and/or replacement work is subject to formal approval and permit as may be required by Grantor. Grantee shall promptly repair any damage to the Grantor's right-of-way, resulting from Grantee's exercising its rights hereunder. In the event that Grantee fails to do so, Grantor may repair such damage and Grantee shall pay all costs and expenses of such repair upon ten (10) days notice, or receipt of an invoice from Grantor.

Grantee shall require its construction Contractor to maintain, at all times during the construction to carry Commercial General Liability insurance providing continuous coverage for all work or operations performed under the Construction Contract. Such insurance shall be no more restrictive than that provided by the latest occurrence form edition of the standard Commercial General Liability Coverage Form (ISO Form CG 00 01) as filed for use in the State of Florida. The limits of coverage shall not be less than \$1,000,000 for each occurrence and not less than a \$5,000,000 annual general aggregate, inclusive of amounts provided by an umbrella or excess policy, or such other minimum insurance coverage that may be required by the Department for the construction of the Project, in accordance with the Department's Standards and Specifications for Road and Bridge Construction.

Grantor shall be named as Additional Insured in such policies and Grantee will provide a current copy of such insurance certificate to Grantor.

THAT this Easement is subject to all applicable permit requirements and any other required agreements or approvals, and concurrences.

THAT the provisions of this Easement may be enforced by all appropriate actions at law and in equity by the respective parties.

THAT Grantor makes no representations as to the title or condition of the property within the Easement Area or the suitability of the Easement Area property for the use intended hereunder.

The rights and obligations of the parties shall inure to the benefit of and be binding upon their respective successors and assigns.

Nothing in this Easement shall restrict the Grantor's right to utilize said property for any use which is not inconsistent with the rights conveyed hereunder.

This grant conveys only an interest of the County and its Board of County Commissioners in the property herein described, and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

SIGNATURES APPEAR ON NEXT PAGE

ATTEST: Clerk (or Deputy Clerk) of the Circuit Court (Affix County Seal)	County of Miami-Dade, Florida,
Clerk (or Deputy Clerk) of the Circuit Court	By its Board of County Commissioners
(Affix County Seal)	By:
	(Address)
Approved as to form and legal sufficiency.	
Assistant County Attorney	
The foregoing was authorized and approved by Reso Miami-Dade County, Florida, on the day of	lution No of the Board of County Commissioners of

IN WITNESS WHEREOF, the said grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the County Mayor or the County Mayor's designee, the day and year aforesaid.

EXHIBIT "A" LEGAL DESCRIPTION FOR PARCEL 800

LEGAL DESCRIPTION

Being a portion of the South East 1/4 of Section 16, Township 52 South, Range 42 East, Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southeast corner of Tract "A", "Grovepac Subdivision", according to the Plat thereof, as recorded in Plat Book 115, Page 90 of the Public Records of Mlam)-Dade County, Florida; thence \$ 87.04 15" W along the South line of the said Track "A" for a distance of 118.97 feet to the Northeast corner of Parcel "DC-1" as shown in the unrecorded abstract Map of "Oleta River State Recreation Area" and as described in ORB 8034. Page 965 of the Public Records of Miami-Dade County, Florida; thence S 15"31'22" W, along the Easterly line of the said Parcel "DC-1" for 233.13 feet to a point of curvature of a circular curve to the left; thence Southwesterly along the arc of said curve to the left having a radius of 7.156.49 feet and a central angle of 1°20'48" for an arc distance of 168.20 feet to the Northeasterly corner of Parcel "DC-3" as shown in the said abstract Man of "Oleta River State Recreation Area" and as described in ORB 8392, Page 1440 of the Public Records of Miami-Dade County, Florida; thence \$ 87°04'15" W along the North line of the said Parcel "DC-3" for a distance of 392.40 set to a point on the Easterly Right of Way line of State Road 5 per Florida Department of Fransportation Right of Way Map for hally Road 5, Section 87030-2573; said point also being the beginning of a circular curve concave to the Southeast, to which point a Radial line bears N 76"38'26" W; thence Southedy along the said Easterly Right of Way line, being a curve to the Les having a radius of 7,532.49 feet and a central angle of 0°33'25"for an arc distance of 73.20 feet to the POINT OF BEGINNING of the following described Parcel; thence S 56°56'40" E, for 4.66 feet: thence S 87°02'18" E, for 46.31 feet; thence S 12°39'3; W; for 50.05 feet; thence N 89°22'38" W. for 13.56 feet; thence S 86°10'06" W. for 37:07 feet; thence S 33°15'18" W. for 3 0 feet to a point on the said Easterly Night of Way line of State Road 5; said point also being the beginning of a circular surve concave to the Southeast, to which point a Radial line bears N 77°39'19" W: thence Northerly along the said Easterly Birot of Way line, being a curve to the right, having a radius of 7,532.49 feet and a contral angle of 0°27'29"for an aic distance of 60.21 feet to the POINT OF BEGINNING.

containing 2.619 square feel, more or less

SURVEYOR'S NOTES:

- THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983. A BEARING OF NIS*3117"E WAS ESTABLISHED ALONG THE BASELINE OF THE STATE ROAD 5/ U.S. 1: AS PER FOOT DESIGN SURVEY PROJECT No 430808-1.
- ADDITIONS AND/OR DELETIONS TO SURVEY MAPS, SKETCHES OR REPORTS BY ANY PARTY OTHER THAN THE HIGHING PARTY ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY.
- THIS DOCUMENT CONSISTS OF TWO (2) SHEETS AND SHALL NOT BE CONSIDERED FULL VALID, AND COMPLETE JUNLESS EACH SHEET IS ATTACHED TO THE OTHER.
- NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- THIS SKETCH TO ACOMPANY LEGAL DESCRIPTION IS IN COMPLIANCE WITH THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, REFERENCED IN ROLE 51-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTIONS 472 027, FLORIDA STATUES.

LEGEND.

O.B.B. BK. FEC. TWP, RGE. EXIST. R/W P.B. PG. P.O.B. P.O.C. G FDOT	- OFFICIAL RECORD BOOK: BACK SECTION TOWNSHIP RANGE EXISTING RIGHT OF WAY PLAT BOOK PAGE POINT OF BEGINNING POINT OF COMMENCEMENT CENTER LINE FLORIDA DEPARTMENT OF TRANSPORTATION A SURVEY	No. LB. (D) R A L S.R.	BASELINE NUMBER LICENSED DUSINESS DEED RADIUS DELTA LENGTH STATE ROAD RT. SPRING-LINE	MANUEL G. VERA JR. DATE PROFESSIONAL LAND SURVEYOR FLORIDA CERTIFICATE NO. 5291 LICENSED BUSINESS; LB-2439 13960 SW 47th STREET MIAMI, FL 33175
--	--	------------------------	---	---

N

			FLORIDA DEPARTMENT OF TRANSPORTATION SKETCH TO ACCOMPANY LEGAL DESCRIPTION							
			STATE	ROAD N	O: 5	MIAMI-DADE COUNTY				
		Anne de la companya d		θÝ	DATE	PREPARED BY: 14ANUEL G. VERN AND ASSOCIATES BUT 1 118 2 6 67	DATA SCHIRCE:			
			DRAWN	ЪР.	06/14	HANDEL G. VERA AND ASSOCIATES INC., 1882/188 13900/55V 47th STREET MANUTLONION 20173	SEE SURVEYOR'S PRINCES			
nevision	.ay	DATE	CHECKED	м. МсКау	06/14	GR. NO. 430808-1 SECTION	87030-2569 SHEET 01 OF 02			

EXHIBIT "A" SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR PARCEL 800

SE 1/4 SECTION 16, TOWNSHIP 52 S., RANGE 42 E. CITY OF AVENTURA, MIAMI-DADE COUNTY

